

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

<b>SHAWN M. TAYLOR, by his Guardian,</b>	)	
<b>KELLIE TAYLOR, and Individually,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Case No.: 2:21-cv-04224-WJE</b>
	)	
<b>v.</b>	)	<b>Removed from the Circuit Court of</b>
	)	<b>Boone County, Missouri</b>
<b>SAM'S EAST, INC., d/b/a</b>	)	
<b>SAM'S CLUB #8163,</b>	)	<b>JURY TRIAL REQUESTED</b>
	)	
<b>Defendants.</b>	)	

**PLAINTIFFS' MOTION TO REMAND**

COMES NOW Plaintiffs, by and through counsel and pursuant to 28 U.S.C §1447(c) moves this Court for an Order remaining this case back to the Circuit Court of Boone County, Missouri as this court no longer has jurisdiction to hear this case as it lacks diversity jurisdiction. In support thereof, Plaintiff states:

1) Plaintiff originally filed their Petition for Damages in the Circuit Court of Boone County, Missouri [21BA-CV0398] against Defendant Sam's East, D/B/A Sam's Club for an incident involving Plaintiff and a motor vehicle collision in Defendant's loading/unloading zone.

2) Defendant Sam's East filed its Notice of Removal on 11/26/2021 alleging that Sam's East is incorporated in the State of Delaware and has its principal place of business in Arkansas; therefore, they removed the case to federal court of the basis of diversity jurisdiction.

3) Judge Jacobs removed the case to the Western District on 12/01/2021.

4) Pursuant to the Western District's scheduling order, Plaintiff filed a Motion for Leave to join an additional necessary party, the owner of the premises and building involved in the incident, which was granted by Judge Epps on 02/15/2021.

5) The newly added Defendant, Broadway Crossings, LLC is a domestic limited liability corporation conducting business in the state of Missouri.

6) Therefore, since Plaintiffs and Defendant Broadway Crossings are Missouri residents/corporations, complete diversity is lacking and the Western District no longer has jurisdiction over these proceedings.

WHEREFORE, Plaintiffs respectfully request this case be remanded back the Circuit Court of Boone County, Missouri.

Respectfully Submitted,

By: *Jill Harper*

**RON NETEMEYER, #49409**

**JILL HARPER, #65892**

Harper, Evans, Wade & Netemeyer

401 Locust St. – Ste. 401

Columbia, MO 65201

Phone: (573) 442-1660

Fax: (573) 874-8961

Email: rnetemeyer@lawmissouri.com

Email: jharper@lawmissouri.com

*Attorneys for Plaintiff*